

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

KIMBERLY NORRELL d/b/a THE
DAINTY DOE,

Plaintiff

v.

DOES 1-133 THE INDIVIDUALS,
BUSINESS ENTITIES, AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE A,

Defendants

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Case No. 1:23-cv-00238-RP

ORDER

Before the Court is Plaintiff's Motion for Default Judgment and Permanent Injunction, filed June 30, 2023 (Dkt. 41). By Text Order entered July 5, 2023, the District Court referred the Motion to this Magistrate Judge for Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B), Federal Rule of Civil Procedure 72, and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas.

In her Motion, Plaintiff seeks, *inter alia*, entry of default judgment against 85 defendants and a damages award of \$150,000 per defendant under 17 U.S.C. § 504(c). Statutory damages awards under § 504(c) are based on "the number of *works* that are infringed and the number of individually liable *infringers*." *Mason v. Montgomery Data, Inc.*, 967 F.2d 135, 143 (5th Cir. 1992). Plaintiff does not specify how many of her three copyrighted works each Defendant infringed.

The Court **ORDERS** Plaintiff to supplement her Motion to identify how many of Plaintiff's copyrighted works each Defendant infringed **on or before August 30, 2023**.

SIGNED on August 17, 2023.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE